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Minnesota Division of USA Fencing Statement on Impact of New USA Fencing Transgender and Nonbinary Policy

This week, USA Fencing announced a change in its transgender and nonbinary policy (https://www.usafencing.org/transgender-and-nonbinary-policy) around how it would define gender for the purposes of tournaments and qualifications to represent the national team. This came as a part of a series of events that have brought the issue of how gender is understood when it comes to men's and women's events and specifically how this relates to the policies of USA Fencing and its tournaments. It has been a challenging and hurtful time for many in the fencing community as well as those in the trans community whose participation has been specifically targeted by these changes. USA Fencing was required to make changes to its policy by the USA Olympics and Paralympics Committee (USOPC). The policy does not take into account the unique qualities and needs of each sport but represents a blanket ban on transgender women participating in women's events. Fencers typically train, bout and locally mixed gender competitions are the norm across the country.

The executive committee of the Minnesota Division of USA Fencing want to say that we recognize how painful these changes are to trans and nonbinary fencers. We want fencing in Minnesota to be safe and inclusive for everyone. For many of us, fencing has been a place where we have found acceptance in a sport and a community that welcomed us even when we did not feel that in other places in society. Many on the board are fencers, parents of fencers, or both. We are grieved by the changes that have been brought about because of a presidential executive order and its ripples through the USOPC as well as USA Fencing.

These changes place our division in a particularly difficult place. As a body governed by USA Fencing, we are bound by its rules. At the same time, as an organization operating in the state of Minnesota we are bound by the laws of this state as well. This includes the Minnesota Human Rights Act (https://mn.gov/mdhr/yourrights/mhra/).

The Minnesota Human Rights Act is the state law prohibiting discrimination in Minnesota and is enforced by the Minnesota Department of Human Rights. ***It is one of the strongest civil rights laws in the country.***

The state law prohibits discrimination in employment, housing, public accommodations, public services, education, credit, and business based on protected class, such as: race, religion, disability, national origin, sex, marital status, familial status, age, sexual orientation, and gender identity.

At the moment USA Fencing's transgender and non-binary policy appears to be in conflict with the Minnesota Human Rights Act. A similar case in powerlifting is awaiting a decision from the Minnesota Supreme Court (*Cooper vs. USA Powerlifting*) and we are awaiting guidance from USA Fencing on how to proceed. We ask for your patience as we continue to figure out how to navigate these changes while continuing to make fencing a sport that is fun and safe for everyone.

What do Minnesota members and parents need to know about impacts of this policy to the current season:

Local level tournaments are a tool to provide competition experience for local athletes. These are tools to prepare athletes for regional and national level competition. Sanctioned events may award fencers a rating (E -A) depending on size and composition. Only Junior Olympic Qualifiers and Summer National Qualifiers represent pathways to national events.

- As we work with clubs on establishing the calendar for the year, please be advised that we cannot currently sanction women's tournaments under the new USA Fencing policy until we have had the time to understand how USA Fencing's policy interacts with MN State Law. Division officers have a responsibility to avoid putting the Division in a situation that may result in a lawsuit.
- We expect that some organizers may choose not to host women's events while other may opt to host unsanctioned (inclusive) events. Women's events can still be held as unsanctioned until such time as the Division has reasonable assurance that USA Fencing's transgender policy can be reconciled with MN state law. Unsanctioned events should make sure they are following MN Law which allows transgender athletes to compete in the category with which they identify.
- The mixed event category allows athletes of all genders to compete. In Minnesota, most women fencers that have earned a rating above an E have done so at a mixed event. Due to the larger size of mixed events these tournaments can have a higher classification and potentially award more ratings to fencers.
- Youth events – nearly all youth events in Minnesota are run as unsanctioned because they need to achieve a classification of C1 to award ratings. In the last year nearly all youth events have been run as mixed to low numbers of athletes.

Unsanctioned events run by USA Fencing clubs (CBA, RYF, SYFA, TCFC and YEL) still follow USA Safesport guidelines but they can be run in different formats to provide more bouting opportunities, and may have less administrative burden (which usually means they are cheaper!). As another example: Minnesota Highschool League offers unsanctioned competition experiences for athletes in grades 7-12, independent of the MN Division. As always- athletes and parents should talk to their coaches about what levels of competition are the right fit when they decide which tournaments or events to attend.

We will happily resume sanctioning women's events once the conflict between USA Fencing's policy and MN State law can be resolved.

For questions contact the MN Division Board a

Minnesota Division of USA Fencing Board Members Are: